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10/501,200	12/28/2004	Antoine Bassompierre	W51.12-0015	3476
27367 7590 06/27/2008 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3244				
EXAMINER				
PHAM, TUAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 06/11/2008 have been fully considered but they are not persuasive.

(I) Applicant's First argument:

In response to applicant's remark on page 7, Applicant argues that Chen fails to teaches "set up a communication between the base station and the receiving terminal using a first communication mode based on a single carrier modulation, and then change to a second communication mode based on a multiple carrier modulation to transfer data (high speed data) between the same base station and the receiving device", as recited in claims 1, and 12-14.

In response to applicant's arguments as stated above, the Examiner respectfully disagrees with the Applicant's argument. In this case, it is clearly seen that Chen teaches a base station BS3 communicate with a remote station using a first communication mode based on a single carrier modulation N_r , and then change to a second communication mode based on a multiple carrier W_f (see figure 13, BS3, remote station [0110]). Furthermore, the language of claims 1, and 12-14 are "setting up a communication between one of said base stations". It is clearly seen that the remote station setting up a communication with base station BS3 as shown in figure 13. Therefore, the teaching of Chen reference still read on.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., set up a communication between the base station and the receiving terminal using a first communication mode based on a single carrier modulation, and then change to a second communication mode based on a multiple carrier modulation to transfer data (high speed data) between the same base station and the receiving device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(II) Applicant's Second argument:

In response to applicant's remark on page 8, Applicant argues that Chen fails to teach "a changeover from a first communication mode to a second communication mode is implemented according to at least one signaling information transmitted by the base station (the same base station for both modes) to the receiving terminal through the first communication mode, as recited in claims 1, and 12-14.

In response to applicant's arguments as stated above, the Examiner respectfully disagrees with the Applicant's argument. In this case, Applicant should refer back to the explanation above. In addition to this, Chen teach signaling information changeover between first mode and second mode (see [0109-0110]).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/TUAN A PHAM/
Examiner, Art Unit 2618

